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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Department of Education
<b>Virginia Administrative Code (VAC) citation</b>	8 VAC 20-490-10 et seq.
<b>Regulation title</b>	Regulations Governing School Boards Local
<b>Action title</b>	Revision of regulation through consolidation with other select regulations
<b>Date this document prepared</b>	March 27, 2008

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The *Regulations Governing School Boards Local*, 8 VAC 20-490-10 et seq., were adopted on or before September 1, 1980. These regulations have not been amended since that time and are out of date. Additionally, several other regulations have been promulgated that address regulatory requirements for local school boards and school divisions. Some of these regulations were adopted on or about September 1, 1980 as well. They all lend themselves to consolidation with the *Regulations Governing School Boards Local*. This proposal is to adopt revised regulations governing local school boards under the title *Regulations Governing Local School Boards and School Divisions* and to incorporate the applicable regulatory requirements from these other regulations so that local school boards and school divisions will have one regulation containing applicable regulatory requirements and will not have to look to several regulations for guidance.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Section 22.1-16 of the Code of Virginia provides that “The Board of Education may adopt bylaws for its own governance and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.” These regulations governing local school boards and school divisions are necessary for the governance of schools and programs by the Board of Education.

**Need**

*Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.*

The regulations are already in effect. The purpose of this proposal is to consolidate them in such a way that school divisions will be able to access and implement them more effectively and efficiently for the management of the public schools of Virginia. This will benefit students, parents and staff.

**Substance**

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.*

As noted above, this proposal is to amend and reenact the *Regulations Governing Local School Boards* (8 VAC 20-490-10 et seq.) into the Regulations Governing Local School Boards and School Divisions by consolidating several applicable regulations into one concise regulation. The regulations to be consolidated into this one regulation are as follows:

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| 8 VAC 20-150-10 et seq. | Regulations Governing Management of the Student's Scholastic Record in the Public Schools of Virginia                                  |
| 8 VAC 20-170-10         | Regulations Governing Instructional Materials – Selection and Utilization by Local School Boards                                       |
| 8 VAC 20-180-10         | Regulations Governing School Community Programs  |
| 8 VAC 20-210-10         | Classification of Expenditures   |
| 8 VAC 20-240-10 et seq. | Regulations Governing School Activity Funds  |
| 8 VAC 20-250-10         | Regulations Governing Testing Sight and Hearing of Pupils  |
| 8 VAC 20-310-10         | Rules Governing Instruction Concerning Drugs and Substance Abuse   |
| 8 VAC 20-320-10         | Regulations Governing Physical and Health Education  |
| 8 VAC 20-390-10 et seq. | Rules Governing Division Superintendent of Schools   |
| 8 VAC 20-410-10         | Rules Governing Allowable Credit for Teaching Experience   |
| 8 VAC 20-420-10         | Regulations Governing Personnel in Public School Libraries Operated Under Joint Contract Under Control of Local School Board or Boards |
| 8 VAC 20-460-10 et seq. | Regulations Governing Sick Leave Plan for Teachers   |
| 8 VAC 20-490-10 et seq. | Regulations Governing School Boards Local  |
| 8 VAC 20-565-10 et seq. | Regulations for the Protection of Students as Participants in Human Research   |

Those regulations that are incorporated into the Regulation Governing Local School Boards and School Divisions will be repealed simultaneously with the promulgation of the new regulation.

**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

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Other alternatives to amending the regulations have not been considered by the Board of Education as many of the regulations are out of date. Additionally, the consolidation of the regulations will assist school divisions. The only acceptable alternative would be to amend the appropriate regulations and promulgate new regulations without consolidating them.

**Public participation**

*Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.*

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The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to Anne Wescott, Assistant Superintendent for Policy and Communications, Virginia Department of Education, P. O. Box 2120, Richmond, VA 23218-2120, (804) 225-2403, fax (804) 786-5389, e-mail [Anne.Wescott@doe.virginia.gov](mailto:Anne.Wescott@doe.virginia.gov). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period. A public hearing on the NOIRA will not be held.

**Participatory approach**

*Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.*

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The agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach.

## Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The proposed regulatory action is not expected to have a negative impact on the institution of the family and family stability.